

power of all high speed communications becomes greater than the first threshold value. In this way, channels for low speed communication calls can be ensured by restricting traffic of high speed communications calls.

In contrast, as mentioned in our Response of January 3, 2003 to the first Office Action, Behtash does not make a distinction between high speed communications and low speed communications. Behtash calculates, when receiving a service request, power budget H required for the request, and determines whether H is lower than 1 (the maximum value of power budget for all users (all communications)) – ΣH_i (current power budget for other users), and then accepts the request if H is lower than $1 - \Sigma H_i$, and calculates available power budget and allows a service with a data rate in accordance with the available power budget if H is not lower than $1 - \Sigma H_i$ (see column 4, line 26 to column 5, line 50 and Figure 4).

In this way, Behtash performs control over the service request such that the power budget for all communications does not exceed the maximum value. That is, it is not an object of Behtash to ensure channels for low speed communication calls by restricting traffic of high-speed communications calls.

As the Examiner admitted, Behtash fails to teach means for (step of) checking whether a communication request is made for a high-speed communication.

The Examiner said that the since Linquist discloses a communication system operable to transmit on high and low data rates with a base station controller for determining whether a high speed transmission or low speed transmission needs to take place (Figures 2 and 11b, and column 17, lines 1-27), it would have been obvious to apply this teaching of Linquist to Behtash to obtain the present invention of claims 22 and 30.

However, even if the teaching of Linquist is applied to Behtash, the present invention of claims 22 and 30 cannot be obtained. As mentioned above, Behtash performs control over the service request such that the power budget for all communications does not exceed the maximum value. Therefore, even if a determination of whether a high-speed transmission or low speed transmission needs to take place is performed in accordance with the teaching of Linquist, control over the service request is just performed such that the power budget for all communications (high speed transmissions and low speed transmissions) does not exceed the maximum value. That is, control over the service request is not performed such that the power budget for all high-speed transmissions (except low speed transmissions) does not exceed the maximum value.

Therefore, even if the teaching of Linquist is applied to Behtash, features of the present invention of claims 22 and 30 of “checking ... whether transmission power of all high speed communications performed simultaneously becomes greater than a predetermined first threshold value” and “restricting acceptance of the communication request (a communication request for a high speed communication), if the transmission power of all high speed communications becomes greater than the first threshold value” cannot be obtained.

Therefore, the present invention of claims 22 and 30 is not obvious over Behtash and Linquist. As such, Applicants submit that these claims are patentably distinct from Behtash and Linquist and are allowable over the prior art.

With respect to claims 23 and 29, and 31, as these claims depend from claims 22 and 30, Applicants submit that these dependent claims are also allowable over the prior art for at least the same reasons as stated above.

Objections

Claims 24-28 and 32-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claims. Applicants respectfully traverse the Examiner's objection.

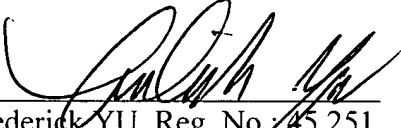
Applicants respectfully submit that the base claims are allowable for at least the reasons stated above. Consequently, Applicants respectfully submit that claims 24-28 and 32-36, which depend on these base claims, are allowable for at least the same reasons.

Conclusion

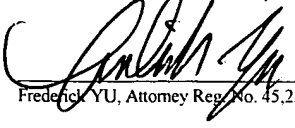
Applicants submit that all pending claims are allowable and allowance of all claims is respectfully solicited.

Respectfully submitted,

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